

PROVIDING FOR THE FORMULATION OF A PLAN FOR
CONTROL OF THE PROPERTY OF THE MENOMINEE
INDIAN TRIBE, AND FOR OTHER PURPOSES

MAY 29, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H. R. 9280]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 9280) to provide for the formulation of a plan for control of the property of the Menominee Indian Tribe, and for other purposes having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following language:

That section 7 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954 (68 Stat. 250), is amended to read as follows:

"SEC. 7. The tribe shall as soon as possible and in no event later than December 31, 1957, formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the fields of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided*, That the responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for protection of the forest on a sustained yield basis, and for the protection of the water, soil, fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 8 of this Act, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan, shall cause the plan to be published in the Federal

Register. The sustained yield management requirement contained in this Act shall not be construed by any court to impose a financial liability on the United States."

SEC. 2. Section 8 of such Act of June 17, 1954, is amended to read as follows:

"SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary, the title to all property, real and personal, held in trust by the United States for the tribe: *Provided, however,* That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization. The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribe will derive benefits."

EXPLANATION OF THE BILL

The purpose of H. R. 9280, as amended, introduced by Congressman Reuss, is to make definitive the plan for control of the property of the Menominee Indian Tribe by the amendment of sections 7 and 8 of Public Law 399, 83d Congress (68 Stat. 250).

BACKGROUND OF THE LEGISLATION

Public Law 399, 83d Congress, approved on June 17, 1954, provided for a per capita distribution of Menominee tribal funds and authorized the withdrawal of Federal supervision over the Menominee Tribe not later than December 31, 1958.

Section 7 of the existing statute provides that the tribe shall formulate and submit to the Secretary of the Interior a plan or plans for the future control of the tribal property and service functions now conducted by or under the supervision of the United States. These services include those in the fields of health, education, welfare, credit, roads, and law and order. Section 7 authorizes the Secretary of the Interior to provide such reasonable assistance as may be requested by the tribal officials in the formulation of the plan or plans mentioned heretofore, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and members of the tribe. Responsibility of the United States to supply all supervision and services shall end on or before December 31, 1958, at which time the Menominee Indians shall cease to be wards of the Federal Government.

Section 8 of Public Law 399 authorizes and directs the Secretary of the Interior to transfer to the tribe on December 31, 1958, or earlier in a certain instance, the title to all real and personal property held in trust by the United States for the Menominee Indians. This section also provides that if the tribe obtains a charter for a corporation, or otherwise organizes under the laws of a State or of the District of Columbia for the purpose of taking title to all tribal lands and assets and enterprises owned by the Menominees or held in trust by the United States for them, and requests such a transfer to be made to such a corporation, the Secretary shall make the transfer to the corporation.

The plan referred to above is well underway and satisfactory progress is reported by the Menominee Tribal Council and the Menominee Indian Study Committee created by the Wisconsin Legislature in 1955 to assist with the termination program. The State has made available its consultants in the fields of education, public welfare, human welfare, human rights, highways, taxation, and public health to help in the provision of usable data in the preparation of the plan.

PURPOSE OF THE BILL

H. R. 9280, as amended, seeks to make definitive the management plan mentioned above by providing several elements which the committee members believe desirable.

Section 7 of the existing law is amended to provide that the management plan shall be formulated and submitted no later than December 31, 1957. Representatives of the Menominee Tribe testified before the committee that they anticipate no difficulty in submitting the plan containing provision for the protection of the forest on a sustained yield basis and for the protection of their water, soil, fish, and wildlife early in 1957 providing the congressional guidance envisaged by H. R. 9280, as amended, were given. This early submission of the plan is particularly desirable inasmuch as the session of the Wisconsin Legislature which meets in January 1957 could then enact whatever legislation is necessary to implement such a plan, and thus the final transfer and termination arrangements could be completed by or before December 31, 1958. The committee members recognize that in the event the Wisconsin Legislature found that an amendment to its constitution were necessary in order to implement the plan, and if sufficient time were not available to pass such an amendment before December 31, 1958, it might then be necessary to consider Federal legislation which would have as its purpose extending the final termination date. Meanwhile H. R. 9280, as amended, fixes responsibility on the tribe to submit its plan by December 31, 1957, and insures that the plan will contain adequate protection of the forest on a sustained yield basis.

In order to insure that the Federal Government will not be held financially liable for any mismanagement of the Menominee forest after the final termination date, H. R. 9280 has been amended at the end of section 7 as follows:

The sustained yield management requirement contained in this Act shall not be construed by any court to impose a financial liability on the United States.

H. R. 9280, as amended, amends section 8 of the act of June 17, 1954, by authorizing the Secretary of the Interior to transfer to the tribe or any member or group of members of the tribe any federally owned property which has been acquired, withdrawn, or used by the administration in carrying out the affairs of the tribe which he considers necessary for Indian use. The Secretary may also transfer to a public or nonprofit body such property as he deems necessary for public use and from which tribal members will derive benefits.

H. R. 9280, as amended, embodies several committee and Department of the Interior amendments. The language of H. R. 10634, introduced by Congressman Reuss to embrace subcommittee amend-

ments to H. R. 9280, has been substituted for the legislation as originally introduced.

Reports from the Department of the Interior, dated February 24 and May 3, 1956, respectively, and the Bureau of the Budget report dated March 7, 1956, are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., February 24, 1956.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: Your committee has requested a report on H. R. 9280, a bill to provide for the formulation of a plan for control of the property of the Menominee Indian Tribe, and for other purposes.

We recommend that the bill be not enacted. We object to sections 2 and 3 of the bill, but we have no objection to the enactment of the substance of section 1 of the bill if it is amended as suggested in our report on H. R. 6218.

The purpose of section 1 of the bill is to provide for the payment of termination planning costs out of Federal funds rather than out of tribal funds. The provision in the present law requiring the use of tribal funds did not originate with this Department, and we have no objection to relieving the tribe of that financial burden if the Congress feels that it is wise to do so. A statement of the facts that have a bearing on this question is contained in our report on H. R. 6218 and it will not be repeated here.

Sections 2 and 3 of the bill would change the existing law in three important respects:

1. Under present law the tribe has complete freedom to develop any type of plan for the future management of its property that it wants. This bill would restrict that freedom by requiring the tribal forest to be preserved forever on a sustained-yield basis, and presumably would lay the groundwork for a future request for Federal financing to compensate individual Indians who wish to convert their interest in the tribal asset into money. The Menominee termination legislation already enacted, granted to the Menominee Indians the same rights with respect to their property that other citizens have. We believe that the tribe should not be placed under special restraints by Federal law. As a matter of fact, the Menominee forest has been managed on sustained-yield principles for the last 50 years, and we believe that there is general agreement, particularly among the Menominee, that such management should be continued. The Indians, however, should not be placed under statutory restrictions that are not applicable to other citizens of Wisconsin. The Department will judge the acceptability of any plan submitted by the tribe in the light of its conformity to general law and its equitable treatment of all members of the tribe.

2. Under the present law Federal supervision over tribal property must cease on or before December 31, 1958. This bill would leave that requirement in effect, but would create an impossible administrative problem in the event the tribe fails to produce an acceptable plan by December 31, 1958. Notwithstanding the fact that the Secretary will be precluded from administering the property after that date,

he would not be able to transfer title to the property unless the tribe, the Governor of the State, and the Secretary, had agreed to the plan. This could create an interval during which no one could exercise effective management controls.

Equally important, however, is the fact that this provision of the bill is in effect a requirement that Federal supervision over tribal property shall not be terminated until the Indians have agreed to the details of a plan for future management, no matter how far distant that date may be. In other words, the Indians must consent to the termination of Federal supervision. Ultimate responsibility for determining when the time has arrived for terminating a Federal trust responsibility rests solely with the Congress. The Indians have no vested right to the continuance of the trust relationship. As a matter of fact, however, in this particular case the Menominee Indians did agree on the 1958 termination date. That date was fixed after extended discussions and negotiations between the congressional committees and the Indians. The committees were first inclined to fix a date $2\frac{1}{2}$ years after the bill was enacted. The Indians were asking for a period of 5 years. The compromise reached was $4\frac{1}{2}$ years. Although the Indians bargained seriously and astutely, and may have preferred a different kind of legislation, they nevertheless consented to the provisions of the present legislation and requested its enactment.

We believe that any proposal to extend the termination date is premature at this time. The legislation has been in effect for only 18 months, which is about one-third of the total time. The State of Wisconsin has by legislation established a Menominee Indian Study Committee composed of State, county, State university, and tribal officials. That committee has been working diligently and has acquired a thorough knowledge of the problems involved. Due to the fact that this bill was introduced as recently as February 14, 1956, and a hearing called for February 27, we have not had an opportunity to get the benefit of the views of the Menominee Indian Study Committee. However, the State attorney general, who is chairman of the committee, has been quoted in newspaper editorials which are unfavorable to the bill as likening the bill's lack of a deadline to an "almost never due date on a business loan." It is our belief that the State committee would recommend that amendments be advanced only if the need for and nature of such amendments are determined through investigation, study, and planning.

3. The bill would authorize the transfer of road equipment utilized on the Menominee Reservation if there is any uncertainty regarding its ownership by the tribe. Much of the property is federally owned and was purchased with gratuity funds and there is no uncertainty regarding its ownership by the tribe. Nevertheless, we understand that the tribe is interested in obtaining this equipment. If any legislation on this subject is deemed desirable, we suggest that the language be general in character and follow the form used in other termination statutes, which is:

"The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he

deems necessary for public use and from which members of the tribe will derive benefits."

The Bureau of the Budget has advised us that there is no objection to the submission of this report.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 3, 1956.

Hon. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: During the consideration of H. R. 9280 by the full committee on April 17, 1956, you asked that the views of this Department be furnished as quickly as possible on the bill in the amended form then under consideration by the committee. The next day a new bill (H. R. 10634) containing the amendments to H. R. 9280 that were then under consideration by the committee was introduced, and in order to simplify page and line references our remarks will be directed to the new bill H. R. 10634.

I

We object to the enactment of the bill unless it is amended in one most important respect. The Menominee Termination Act of June 17, 1954 (68 Stat. 250), provides for the definite termination of Federal supervision over the property of the tribe on or before December 31, 1958. That requirement appears in two places in the act. Section 7 provides that all Federal responsibility for the management of the property shall cease on or before December 31, 1958, and section 8 provides that the Secretary shall transfer the title to the property to the tribe or to a tribal corporation on or before December 31, 1958. These two provisions supplement each other and must be considered together. If Federal management responsibilities cease on or before December 31, 1958, then provision must be made to transfer the title to the tribe in order that management responsibilities will rest somewhere.

H. R. 10634 retains the December 31, 1958, date in section 7 of the act for terminating Federal management responsibilities, but it deletes the date in section 8 of the act and provides that title to the property shall not be transferred to the tribe until a plan has been formulated by the tribe, approved by the Secretary, and published in the Federal Register. In other words, although the tribe is directed to formulate a plan, if it fails to do so the transfer of title from the Federal Government to the tribe will be deferred until such indefinite time as the tribe does agree on a plan, regardless of how long that may take. The net effect of this change in section 8 is to remove from the act the definite date for transferring title to the property, despite the ending of Federal management responsibilities, and to make actual termination of the Federal trust subject to future agreement between the tribe and the Secretary. We believe that this would

be a most unfortunate step backward, and that it would hinder rather than help accomplish the purposes of the act.

In a letter to the Secretary of the Interior dated April 20, 1956, the tribal delegates indicated quite clearly that their plan will call for a continuation of the Federal trust until they have obtained from the State legislature special tax relief, which they assert is necessary before the forest can be maintained on a sustained-yield basis. We believe that the latter assertion is not justified by the facts presently available. The State of Wisconsin has in its statute books a forest crop law that gives special tax treatment to the owners of timbered lands, and it has not been demonstrated that this law is inadequate for purposes of sustained-yield management. In any event, we believe that the termination of the Federal trust should not be made contingent upon the possible enactment of State legislation that grants to the Menominees special tax relief that is not granted to other citizens. The Menominees have been determined to be competent to handle their own affairs and if they can obtain such preferential legislation we, of course, have no objection, but that subject has no proper bearing on termination of the Federal trust. A delay in such termination is the only reason for deleting the date in section 8. The legislation has been in effect for only 20 months, or about one-third of the total time provided in the act, and it is too early to tell whether additional time may be needed.

We therefore recommend that the bill be not enacted unless it is amended as follows:

(1) On page 2, line 4, delete "proposed ultimate". The reference is to the "proposed ultimate" withdrawal of Federal supervision, and the quoted words emphasize the removal of the definite termination date from section 8 of the act.

(2) On page 3, lines 2 to 4, delete "immediately following the date of publication in the Federal Register of the plan formulated pursuant to section 7 of this Act" and insert in lieu thereof "on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary". This change will restore the language of section 8 as it now exists.

II

During the committee's consideration of the bill, the provision with reference to management of the tribal forest on a sustained yield basis was represented as the principal provision in the bill.

The present act gives the tribe complete freedom to formulate any kind of a plan for the future management of its property that the tribe wishes to adopt, after getting the advice of management specialists and consultants employed for that purpose. The bill under consideration qualifies this authority of the tribe by providing that "The plan shall contain provision for protection of the forest on a sustained yield basis." This quoted provision is a modification of the provision in H. R. 9280 as it was originally introduced, which required the plan to provide for the preservation forever of the forest on a sustained-yield basis, and to provide for a method of compensating members of the tribe who wish to dispose of their beneficial interests in tribal property without disposing of any part of the forest itself. We interpret the quoted language now under consideration to mean that such portion of the forest as may be retained in tribal ownership must be protected on a sustained yield basis, but that the tribe is not re-

quired to retain forever all of the lands that are now within the forest. On the basis of this interpretation, we have no serious objection to the provision because the desirability of sustained yield management of this forest is generally accepted.

When sustained-yield management of the Menominee Forest was commenced some 50 years ago the forest contained about 850 million feet of timber. Since that time 950 million feet of timber have been cut and the forest contains now about 1,200 million feet of timber. In other words, the tribe has cut more timber than it originally owned, and it still has available 50 percent more timber (in better condition and of higher value) than existed at the start of the program. The Indians are well aware of these facts, and if they are not now convinced of the advantages of sustained yield we doubt that a legislative direction will be effective.

We wish to repeat that although this sustained yield requirement is offered as a "congressional guideline," it is in fact a statutory restriction that discriminates against the Indians because no other citizens of Wisconsin are subject to such requirement with respect to their property.

III

You asked that the Department comment on the questions raised by Mr. Pillion. We understand that Mr. Pillion asked whether a statutory requirement that the forest be managed on a sustained-yield basis would require the Federal Government to continue its trust over the property and to continue its management of the forest. The answer is in the negative. That provision alone would not require a continuation of the Federal trust. It is not clear, however, whether the author of the bill expects the Federal Government to enforce the sustained yield management requirement after the Federal trust is terminated. If so, which Federal agency would have the responsibility for enforcement? And how could the requirement be enforced if the Indians as private citizens seek to avoid it? These are questions we cannot answer, and the committee might consider the advisability of imposing the requirement as a matter of Federal law under these circumstances.

We also understand that Mr. Pillion asked whether a statutory requirement that the forest be managed on a sustained-yield basis after the termination of the Federal trust would subject the United States to any financial liability. In our judgment it would not. The only time the United States has been held liable for mismanagement of an Indian forest was when the mismanagement occurred during the Federal trusteeship. The forest involved in that case, however, was the Menominee forest. If the committee has any doubt about the Federal Government's financial liability, a sentence could be inserted in the bill to the effect that "the sustained yield management requirement contained in this act shall not be construed by any court to impose a financial liability on the United States."

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., March 7, 1956.

Hon. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget with respect to H. R. 9280, to provide for the formulation of a plan for control of the property of the Menominee Indian Tribe, and for other purposes.

If enacted, this bill would make certain changes in the act of June 17, 1954, which authorizes the withdrawal of the Menominee Tribe from Federal jurisdiction.

In a report recently submitted to your committee on this bill, the Secretary of the Interior recommends that the measure not be enacted.

You are advised that the Bureau of the Budget recommends that H. R. 9280 not be enacted for the reasons contained in the report of the Secretary of the Interior.

Sincerely yours,

PERCY RAPPAPORT,
Assistant Director.

The Committee on Interior and Insular Affairs recommends enactment of H. R. 9280 as amended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 17, 1954 (68 STAT. 250)

The purpose of this Act is to provide for orderly termination of Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin.

SEC. 2. For the purposes of this Act—

- (a) "Tribe" means the Menominee Indian Tribe of Wisconsin;
- (b) "Secretary" means the Secretary of the Interior.

SEC. 3. At midnight of the date of enactment of this Act the roll of the tribe maintained pursuant to the Act of June 15, 1934 (48 Stat. 965), as amended by the Act of July 14, 1939 (53 Stat. 1003), shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That applicants for enrollment in the tribe shall have three months from the date the roll is closed in which to submit applications for enrollment: *Provided further*, That the tribe shall have three months thereafter in which to approve or disapprove any application for enrollment: *Provided further*, That any applicant whose application is not approved by the tribe within six months from the date of enactment of this Act may, within three months thereafter, file with the Secretary an appeal from the failure of the tribe to approve his application or from the disapproval of his application, as the case may be. The decision of the Secretary on such appeal shall be final

and conclusive. When the Secretary has made decisions on all appeals, he shall issue and publish in the Federal Register a Proclamation of Final Closure of the roll of the tribe and the final roll of the members. Effective upon the date of such proclamation, the rights or beneficial interests of each person whose name appears on the roll shall constitute personal property and shall be evidenced by a certificate of beneficial interest which shall be issued by the tribe. Such interests shall be distributable in accordance with the laws of the State of Wisconsin. Such interests shall be alienable only in accordance with such regulations as may be adopted by the tribe.

SEC. 4. Section 6 of the Act of June 15, 1934 (48 Stat. 965, 966) is hereby repealed.

SEC. 5. The Secretary is authorized and directed, as soon as practicable after the passage of this Act, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States \$1,500 to each member of the tribe on the rolls of the tribe on the date of this Act. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 3 hereof, shall, after enrollment, be paid a like sum of \$1,500: *Provided*, That such payments shall be made first from any funds on deposit in the Treasury of the United States to the credit of the Menominee Indian Tribe drawing interest at the rate of 5 per centum, and thereafter from the Menominee judgment fund, symbol 14X7142.

SEC. 6. The tribe is authorized to select and retain the services of qualified management specialists, including tax consultants, for the purpose of studying industrial programs on the Menominee Reservation and making such reports or recommendations, including appraisals of Menominee tribal property, as may be desired by the tribe, and to make other studies and reports as may be deemed necessary and desirable by the tribe in connection with the termination of Federal supervision as provided for hereinafter. Such reports shall be completed not later than December 31, 1957. Such specialists are to be retained under contracts entered into between them and authorized representatives of the tribe, subject to approval by the Secretary. [Such amounts of Menominee tribal funds as may be required for this purpose shall be made available by the Secretary.] *There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Secretary shall require in order to compensate such specialists and otherwise assist the tribe in preparing such studies and reports.*

SEC. 7. The tribe shall as soon as possible formulate and submit to the Secretary a plan [or plans] for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the fields of health, education, welfare, credit, roads, and law and order [.] and for all other matters involved in the proposed ultimate withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan [or plans] heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided*, That the responsibility of the United States to furnish all such super-

vision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary. *The plan shall contain provision for a viable economy for the tribe, for a method of compensating enrolled members of the tribe who may wish to sell or otherwise dispose of their beneficial interests in the tribal property, and for the preservation forever of the tribal assets of forest (on a sustained yield basis), water, soil, and fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 8 of this Act, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan and after securing the approval of the plan by the Governor of Wisconsin, shall cause the plan to be published in the Federal Register.*

SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, [on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary,] *immediately following the date of publication in the Federal Register of the plan formulated pursuant to section 7 of this Act, the title to all property, real and personal, held in trust by the United States for the tribe: Provided, however, That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization. The Secretary is also authorized and directed to transfer to the tribe or to a legal entity organized by the tribe, clear and unrestricted title to all buildings and roads equipment utilized on the Menominee Reservation in all cases where there is any uncertainty respecting ownership by the tribe.*

SEC. 9. No distribution of the assets made under the provisions of this Act shall be subject to any Federal or State income tax: *Provided, That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited on the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act.*

SEC. 10. When title to the property of the tribe has been transferred, as provided in section 8 of this Act, the Secretary shall publish in the Federal Register an appropriate proclamation of that fact. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several

States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States.

SEC. 11. Prior to the transfer pursuant to section 8 of this Act, the Secretary shall protect the rights of members of the tribe who are less than eighteen years of age, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

SEC. 12. The Secretary is authorized and directed to promulgate such rules and regulations as are necessary to effectuate the purposes of this Act.

SEC. 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

